

Direction: CITY.0856.DSS

Chairperson Costa called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Wednesday, March 13, 2013, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Brown, Costa, Crowley, Hatfield.....Present  
Cownie, Erickson.....Absent

**Item 1 - Consent Agenda**

**Item 1a - Minutes of the meeting of February 27, 2013**

Chairperson Costa asked for any comments or modifications to the February 27, 2013 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission approve the minutes of the meeting of February 27, 2013.

Vote: Andersen, Brown, Costa, Crowley, Hatfield.....Yes  
Cownie, Erickson.....Absent  
Motion carried.

**Item 2– Public Hearings**

**Item 2a – Zone Change Specific Plan – Plaza at Jordan Creek – Hurd-Jordan II, LLC – Northeast corner of Mills Civic Parkway and South Jordan Creek Parkway and– 29.31 acres – Amend the current Specific Plan (zoning plan) for the Plaza at Jordan Creek development to revise the layout of the site and modify development standards – ZCSP-2013-001**

Chairperson Costa opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published on March 1, 2013, in the Des Moines Register.

Chairperson Costa then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Chuck Bishop, Bishop Engineering, 3501 104th Street, Urbandale, representing the applicant, requested approval of a rezoning request to amend the existing Plaza at Jordan Creek Specific Plan to modify development standards and revise the layout of the site in anticipation of a new tenant.

Roll was retaken at 5:32 pm.

Roll Call: Andersen, Brown, Costa, Cownie, Crowley, Hatfield.....Present  
Erickson.....Absent

Mr. Bishop continued discussing the property north of the Lowe’s facility on South Jordan Creek Parkway. He provided the history of the location and pointed out the ground where Dick’s Sporting

Goods plans to construct a 55,000 square foot facility. To accommodate the applicant, a Minor Modification would need to be approved to allow for the site changes and would be addressed in Item 4-a on this meeting's agenda. With the proposed driveway location changes, signage will also be relocated. Landscape concepts were provided, and it was noted that the buffer was already in place as it was completed when the original road was constructed. Mr. Bishop commented that agreements are still being negotiated with General Growth regarding access connections.

Planner Twedt provided that for historical purposes the original layout of the development in 2006 was included in the Plan and Zoning materials for this meeting. Initially, the development concept was more of a main street effect. In 2007, there was an amendment to the north to counter balance the site with interest in having a hotel. As plans changed, there is now a different concept. The change to architecture was provided noting that the same coloring and column elements used on the Lowe's building would be utilized throughout the development to provide a cohesive look.

Development Planning and Inspection Manager Shires added that with the approval of the revised specific plan ordinance, site plans that are in compliance can be administratively reviewed and approved. The site plan would then be sent to the Plan and Zoning Commission and City Council for a one-week review. If any issues surfaced during this week, the site plan would proceed immediately to Plan and Zoning and City Council for full review and approval.

Mr. Bishop expressed agreement with all staff recommendations and conditions of approval.

Chairperson Costa inquired if the street connection between the mall and this site would be for the individual parties to negotiate or would the City intervene. Planner Twedt commented that the City has indicated strong support for the interconnection, and that Richard Hurd has redesigned the site so that there was an access point in place at the property line in anticipation of a future agreement with General Growth for an interconnection into the mall.

Chairperson Costa asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request to amend the Plaza at Jordan Creek Specific Plan to amend site layout and development standards, subject to the applicant meeting all City Code requirements.

Vote: Andersen, Brown, Costa, Cownie, Crowley, Hatfield.....Yes  
 Erickson.....Absent  
 Motion carried.

### **Item 3 – Old Business**

There were no Old Business items.

### **Item 4 – New Business**

**Item 4a – Minor Modification – Plaza at Jordan Creek – Hurd Jordan, LLC – Northeast corner of Mills Civic Parkway and South Jordan Creek Parkway – 29.31 acres – Approval for removal of existing paving and utilities and rough grade site to provide a building pad for pending development – MM-2013-005**

The Commissioners were given a memo at the dais from staff regarding Item #4a indicating that the property owner has executed a Lot-Tie agreement which tied lots 2, 3, and 4 into one parcel.

Chuck Bishop, Bishop Engineering, 3501 104th Street, Urbandale, representing the applicant, requested approval of a Minor Modification to accommodate a new tenant needing pavement and utilities removed and relocated from the site that had previously been installed, and to complete grading in preparation for a building pad. It was noted that the developer would be making these site changes before the revised site layout and development details were finalized and approved. Mr. Bishop continued that part of the agreement with Dicks Sporting Goods was to provide a building pad by April 4, 2013; thus, the reason the site needs to be graded prior to obtaining full site plan approval to meet the requirements of the tenant. Mr. Bishop pointed out the area where the paving, private street lights, and public sanitary sewer were to be removed and relocated as part of this proposal.

Mr. Bishop expressed agreement with all staff recommendations and conditions of approval.

Ms. Twedt clarified that approval of this Minor Modification was inconsistent with the 2006-2007 Specific Plan which currently governs the site. The Plan and Zoning Commission had just recommended for approval, but City Council would still need to approve the amendment to the Specific Plan. The Minor Modification was presented at the Development and Planning City Council Subcommittee, and there was support for allowing Richard Hurd to move forward.

Ms. Twedt continued by discussing the memo presented to the Commissioners at the dais. In 2006, the property was platted into four (4) lots with a requirement of sanitary sewer for all four (4) lots. The Minor Modification will temporarily be non-compliant with the sanitary sewer removal. There were two options: post surety until the sewer was replaced, or recombine lots 2, 3, and 4 back into one lot. Lots 2, 3, and 4 have been recombined which now allows the lots to be in compliance.

Moved by Commissioner Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Minor Modification to allow for the removal of paving and utilities already installed on site and allow grading to prepare a dirt building pad for Dick's Sporting Goods to be located within the plaza at Jordan Creek development located at the northeast corner of Mills Civic Parkway and south Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledging that the Minor Modification approval is for the removal of the existing paving and utilities as indicated on the demo plan and rough grading to provide a dirt building pad and parking area for the anticipated Dick's Sporting Goods store. The applicant agreeing that all other site modifications (installation of new utilities, paving of new drives and parking areas, footings and foundations, additional building pads, building construction, etc.) requires the approval of an Overlay District Site Plan(s). The applicant further acknowledging that any modifications done to this site prior to approval of the subsequent Overlay District Site Plan(s) are at the property owner's risk and expense. Finished site will need to conform to the approved Overlay District Site Plan; and,
2. The developer performing removal, temporary capping, or permanent abandonment of utilities in accordance with codes and regulations of each utility entity.

Vote: Andersen, Brown, Costa, Cownie, Crowley, Hatfield.....Yes  
 Erickson.....Absent  
 Motion Carried.

**Item 4b – Preliminary Plat – South Maple Grove Plat 12 – Mid-America Real Estate Company – South of Westown Parkway and East of 90th Street – 16.156 acres – Subdivide property into 40 lots for single family residential development, three (3) lots for public streets, and three (3) for outlots – PP-2012-014**

Brad Cooper, Cooper Crawford & Associates, 475 S 50th Street, West Des Moines, representing the applicant, requested Preliminary Plat approval to subdivide the property into 40 lots for single family residential development. This would be the final piece of single family residential construction in the 200 acre South Maple Grove PUD area. The 40 single family lots would be constructed in phases with 19 lots being constructed in Phase 1 and construction beginning as soon as the weather would allow. Mr. Cooper pointed out the landscape buffer area, bike paths, and existing detention basins that had previously been installed.

Mr. Cooper expressed agreement with all staff recommendations and conditions of approval.

Motion was made by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat for South Maple Grove Plat 12, subject to the applicant meeting all City Code requirements and the following:

1. The applicant providing final drawings, addressing staff comments, of the preliminary plat prior to the construction of any improvements on the site and prior to the final plat proceeding to the City Council for approval.
2. Applicant acknowledging that the associated Final Plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat;
3. The applicant acknowledging that prior to the Final Plat proceeding to the City Council for approval, the applicant will provide a street light design, by a City-approved engineer and that the street light costs will be paid to MidAmerican Energy Company.
4. The applicant acknowledging that prior to the Final Plat proceeding to City Council for approval, applicant will need to complete the following public improvements, or petition to the City Council to allow surety to be provided in lieu of completion and acceptance of the following public improvements:
  - a. Public storm and sanitary sewer
  - b. Public sidewalks
  - c. paving
5. The applicant obtaining approval of Public Improvement Construction Plans for all public improvements prior to their construction. Furthermore, the applicant acknowledging that all public improvements must be completed and approved by the City prior to issuance of any occupancy permits, including temporary occupancy permits, for any dwelling within the plat; and,
6. The applicant submitting as-built information for the detention facilities, which provide storm water management for any property within this plat's area, prior to issuance of a final occupancy permits for any building on any parcel created with this plat.

7. The applicant acknowledging that an executed maintenance easement agreement and maintenance covenant will need to be executed prior the final plat proceeding to the City Council for approval. As part of the maintenance covenant, the Applicant will be responsible to provide a letter certifying the detention facility is in conformance with the approved storm water management plan and as-builts of the detention facility. Letter and as-builts will need to signed/sealed in accordance with Chapter 6, 193C-6.1(542B) of the Iowa Code.

**Item 4c – Preliminary Plat – Glennan Square South – Gerald M. Kirke Revocable Family Trust – SE corner of South 60th Street and Mills Civic Parkway – 16.64 acres – Approval of a Preliminary Plat to create one (1) Outlot for transfer of ownership and two (2) public street lots for dedication to the City – PP-2013-013**

Chuck Bishop, Bishop Engineering, 3501 104th Street, Des Moines, representing the applicant, requested Preliminary Plat approval for the parcels located at the southeast corner of Mills Civic Parkway and South 60th Street. Mr. Bishop stated that this was a “clean-up” item, and that three existing parcels would be combined into one outlot for future development to enhance property marketability as the owner was interested in selling rather than developing the property. Mr. Bishop stated that an ingress/egress easement would be dedicated along the southwest corner to allow full access along South 60th Street. As part of the platting process, two public street lots would be created and dedicated to the City in conjunction with Final Plat approval. It was noted that a new property owner would have street improvement responsibility at the time of development.

Mr. Bishop expressed agreement with all staff recommendations and conditions of approval.

Chairperson Costa asked if there was a required agreement in place between the owner and the City for the improvements. Planner Twedt explained that an agreement would be recorded stating that any purchaser/owner would have future improvement responsibility for this property. Staff is currently working with the City Attorney on a draft agreement. Mr. Shires stated that the agreement would be executed and recorded as part of the Final Plat.

Moved by Commissioner Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create one (1) outlot for the transfer of ownership and two (2) public street lots for dedication to the City, subject to the applicant meeting all City Code requirements and the following:

1. The property owner deeding the street lots ‘A’ and ‘B’ to the City in conjunction with the approval of the associated Final Plat;
2. In conjunction with approval of the associated Final Plat, the property owner executing an Ingress/Egress Easement at the southwest corner of the subject property to allow the parcel immediately to the south to cross the applicant’s property and access the anticipated full-access intersection off of S60th Street;
3. The property owner executing the Agreement for Provision of Public Improvements prior to City Council approval of the associated Final Plat; and,
4. The property owner acknowledging that this outlot is unbuildable until such time that it is re-platted through the Preliminary and Final Plat subdivision process. At such time that the outlot is re-platted, the developer/property owner at time of re-platting will be required to provide for all public improvements associated with the 15.77 acre outlot.

Vote: Andersen, Brown, Costa, Crowley, Hatfield.....Yes  
 Cownie, Erickson.....Absent  
 Motion Carried.

**Item 4d – Site Plan – Sugar Creek Substation – MidAmerican Energy Company – 8550 Booneville Road – 6.7 acres – Approval of a Site Plan for construction of an electrical substation – SS-2013-002**

Ralph Martin, MidAmerican Energy Company, 106 East 2nd Street, Davenport, representing the applicant, requested Site Plan approval to construct a new electric power substation west of the West Grand Substation north of the Microsoft datacenter. This substation is needed for a significant load expansion by an existing customer and would also serve additional customers in the area.

Moved by Commissioner Cownie, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Site Plan to allow the construction of an electrical substation, subject to the applicant meeting all City Code requirements and the following:

1. The applicant receiving City Council approval of the use of recycled asphalt surfacing for the access drive and use of gravel as the surfacing material within and adjacent to the fenced area of the substation yard;
2. Prior to site development, including grading activities, the applicant executing a Street Light Agreement for the installation of street lights along Booneville Road (future South 88th Street) adjacent to the applicant's property at such time Booneville Rod (future South 88th Street) is reconstructed and/or power for the lights is placed underground;
3. Prior to site development, including grading activities, the Applicant executing an Agreement and Waiver for the provision of the applicant's pro-rata share of the cost of traffic signals at the South 88th Street and Booneville Road intersection at such time that traffic lights are installed if the land use of the substation property has either changed or the westernmost portion of the site implements a use which increases the amount of traffic entering/exiting the site;
4. Prior to site development, grading activities, the Applicant providing to the City an executed Storm Water Management Facilities Agreement. In addition, within six months of the installation of detention facilities with the site, the Applicant providing to the City a letter certifying the detention facility is in conformance with the approved SWMP and the Applicant providing as-built drawings of the storm water facilities within the site;
5. Applicant providing a four (4) foot public sidewalk along existing Booneville Road (future South 88th Street), with the installation of said sidewalk being deferred until such time that a sidewalk connection is available to the north or south of the property; or until such time that the site would be included in the City's sidewalk program; or until such time that existing Booneville Road (future south 88th Street) is reconstructed, whichever occurs first; and,
6. Applicant constructing the driveway approach (that portion of the West Grand Substation driveway within the public right-of-way) to City standards at such time existing Booneville Road (future South 88th Street) is reconstructed.

**Item 5 – Staff Reports**

Mr. Shires reminded the Commissioners of an upcoming workshop for Planning and Zoning Local Officials to be held April 9th, in Johnston at the Hilton Garden Inn. The Commissioners were directed to inform staff of their interest as the City would pay for their attendance for this training opportunity.

**Item 6 – Adjournment**

Chairperson Costa asked for a motion to adjourn the meeting.

Moved by Commissioner Crowley, seconded by Commissioner Andersen to adjourn the meeting.

Vote: Andersen, Brown, Cownie, Costa, Crowley, Hatfield.....Yes

Erickson.....Absent

Motion carried.

The meeting adjourned at 6:00 p.m.

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Chris Costa, Chairperson  
Plan & Zoning Commission

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Kimberly Taylor, Recording Secretary